

COMPILATION

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OF THE

with the regards of

Laws of Pennsylvania Relating to the Insane.

Rev A M Allister

ALSO, OF THE

LAWS RELATING TO THE STATE HOSPITALS FOR THE INSANE:

NAMELY,

*State Lunatic Hospital, Harrisburg; Western Pennsyl-
vania Hospital, Dixonmont; State Hospital for the
Insane, Danville, and North-Western Hos-
pital for the Insane, at Warren.*

Prepared under the direction of the
BOARD OF PUBLIC CHARITIES.

Printed by order of the
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Pa. Laws, statutes, etc.

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GENERAL LAWS IN REGARD TO THE INSANE.

SECTION 1. Insane persons may be placed in a hospital for the insane by their legal guardians, or by their relatives or friends in case they have no guardians, but never without the certificate of two or more reputable physicians, after a personal examination, made within one week of the date thereof, and this certificate to be duly acknowledged and sworn to or affirmed before some magistrate or judicial officer, who shall certify to the genuineness of the signature and to the respectability of the signers.—(*Act April 20, 1869, section 1, P. L. 78.*)

How insane may be placed in hospitals by guardians or friends.

SECTION 2. It shall be unlawful, and be deemed a misdemeanor in law, punishable by a fine not exceeding one hundred dollars, for any superintendent, officer, physician or other employee of any insane asylum to intercept, delay or interfere with, in any manner whatsoever, the transmission of any letter or other written communication addressed by an inmate of any insane asylum to his or her counsel, residing in the county in which the home of the patient is, or in the city or county in which the asylum is located.—(*Act April 20, 1869, section 2, P. L. 78.*)

Interference with transmission of letters addressed to counsel, prohibited.

SECTION 3. On a written statement, properly sworn to or affirmed, being addressed by some respectable person to any law judge, that a certain person then confined in the hospital for the insane is not insane, and is thus unjustly deprived of his liberty, the judge shall issue a writ of *habeas corpus*, commanding that said alleged lunatic be brought before him for a public hearing, where the question of his or her alleged lunacy may be determined, and where the onus of proving the said alleged lunatic to be insane shall rest upon such persons as are restraining him or her

Mode of procuring discharge of persons not insane.

of his or her liberty.—(*Act April 20, 1869, section 3, P. L. 79.*)

How insane may be placed in hospitals by courts or law judges.

SECTION 4. Insane persons may be placed in a hospital by order of any court or law judge, after the following course of proceedings, namely: On statement, in writing, of any respectable person, that a certain person is insane, and that the welfare of himself or of others requires his restraint, it shall be the duty of the judge to appoint, immediately, a commission, who shall inquire into and report upon the facts of the case. This commission shall be composed of three persons, one of whom at least shall be a physician and another a lawyer; in their inquisition they shall hear such evidence as may be offered touching the merits of the case, as well as the statements of the party complained of or of his counsel; if, in their opinion, it is a suitable case for confinement, the judge shall issue his warrant for such disposition of the insane person as will secure the object of the measure.—(*Act April 20, 1869, section 6, P. L. 79.*)

Removal of persons from hospitals.

SECTION 5. Persons placed in any hospital for the insane may be removed therefrom by parties who have become responsible for the payment of their expenses: *Provided*, That such obligation was the result of their own free act and accord, and not of the operation of the law, and that its terms require the removal of the patient in order to avoid further responsibility.—(*Act April 20, 1869, section 8, P. L. 80.*)

Judges to order to hospitals insane suffering from want of care.

SECTION 6. If it shall be made to appear to any law judge that a certain insane person is manifestly suffering from the want of proper care or treatment, he shall order such person to be placed in some hospital for the insane, at the expense of those who are legally bound to maintain such insane person; but no such order shall be made without due notice of the application therefor shall have been served upon the persons to be affected thereby and hearing had thereon.—(*Act April 20, 1869, section 9, P. L. 80.*)

Officers not responsible for detention, on compliance herewith.

SECTION 7. If the superintendent or officers of any hospital for the insane shall receive any person into the hospital after full compliance with

the provisions of this act, no responsibility shall be incurred by them for any detention in the hospital.—(*Act April 20, 1869, section 10, P. L. 80.*)

SECTION 8. Nothing in this act shall be construed so as to deprive any alleged lunatic or habitual drunkard of the benefit of the writ of *habeas corpus* or trial by jury, or any other remedy guaranteed to alleged lunatics or habitual drunkards by any existing laws or statutes of the Commonwealth of Pennsylvania.—(*Act April 20, 1869, section 11, P. L. 80.*)

Construction of
act.

LAWS RELATING TO INSANE CRIMINALS.

SECTION 9. In every case in which it shall be given in evidence upon the trial of any person charged with any crime or misdemeanor, that such person was insane at the time of the commission of such offence, and he shall be acquitted, the jury shall be required to find specially whether such person was insane at the time of the commission of such offence, and to declare whether he was acquitted by them on the ground of such insanity; and if they shall so find and declare, the court before whom the trial is had shall have power to order him to be kept in strict custody, in such place and in such manner as to the said court shall seem fit, at the expense of the county in which the trial is had, so long as such person shall continue to be of unsound mind.—(*Act March 31, 1860, section 66, P. L. 445.*)

Insane prisoners,
relative to.

SECTION 10. The same proceedings may be had if any person indicted for an offence shall, upon arraignment, be found to be a lunatic, by a jury lawfully empanelled for the purpose, or if, upon the trial of any person so indicted, such person shall appear to the jury, charged with such indictment, to be a lunatic, the court shall direct such finding to be recorded, and may proceed as aforesaid.—(*Act March 31, 1860, section 67, P. L. 446.*)

Where defend-
ant is found in-
sane upon ar-
raignment.

SECTION 11. In every case in which any person charged with any offence shall be brought before the court to be discharged for want of prosecution, and shall, by the oath or affirmation of one

Where prisoner
brought up to be
discharged ap-
pears to be in-
sane.

or more credible persons, appear to be insane, the court shall order the district attorney to send before the grand jury a written allegation of such insanity in the nature of a bill of indictment; and thereupon the said grand jury shall make inquiry into the case, as in cases of crimes, and make presentment of their finding to said court thereon; and thereupon the court shall order a jury to be empanelled to try the insanity of such person; but before a trial thereof be ordered, the court shall direct notice thereof to be given to the next of kin of such person, by publication or otherwise, as the case requires, and if the jury shall find such person to be insane, the like proceedings may be had as aforesaid.—(*Act March 31, 1860, section 68, P. L. 446.*)

Insane defendant
to be delivered
to friends, &c.

SECTION 12. If the kindred or friends of any person who may have been acquitted as aforesaid, on the ground of insanity, or in default of such, the guardians, overseers or supervisors of any county, township or place, shall give security in such amount as shall be satisfactory to the court, with condition that such lunatic shall be restrained from the commission of any offence by seclusion or otherwise, it shall be lawful for the court to make an order for the enlargement of such lunatic, and his delivery to his kindred or friends, or as the case may be, to such guardians, overseers or supervisors —(*Act March 31, 1860, section 69, P. L. 446.*)

How expenses
to be paid in
such cases.

SECTION 13. The estate and effects of every such lunatic shall, in all cases, be liable to the county for the reimbursement of all costs and expenses paid by such county in pursuance of such order; but if any person acquitted on the grounds of insanity, shall have no estate or effects, the county, township or place to which such lunatic may be chargeable under the laws of this Commonwealth relating to the support and employment of the poor, shall, after notice of his detention aforesaid, be liable for all costs and expenses as aforesaid, in like manner as if he had become a charge upon any township not liable for his support under the laws aforesaid.—(*Act March 31, 1860, section 70, P. L. 446.*)

SECTION 14. Whenever any person is acquitted on a criminal suit, on the ground of insanity, the jury shall declare this fact in their verdict, and the court shall order the prisoner to be committed to some place of confinement for safe keeping or treatment, there to be retained until he may be discharged in the manner provided in the next section.—(*Act April 20, 1869, section 4, P. L. 79.*)

Prisoners acquitted on grounds of insanity, to be retained in custody.

SECTION 15. It, after a confinement of three months' duration, any law judge shall be satisfied by the evidence presented to him that the prisoner has recovered, and that the paroxysm of insanity in which the criminal act was committed was the first and only one he had ever experienced, he may order his unconditional discharge; if, however, it shall appear that such paroxysm of insanity was preceded by at least one other, then the court may, in its discretion, appoint a guardian of his person, and to him commit the care of the prisoner, said guardian giving bonds for any damage his ward may commit: *Provided always*, That in case of homicide or attempted homicide the prisoner shall not be discharged unless in the unanimous opinion of the superintendent and the managers of the hospital, and the court before which he or she was tried, he or she has recovered and is safe to be at large.—(*Act April 20, 1869, section 5, P. L. 79.*)

What judge may do after three months' confinement.

Proviso.

SECTION 16. On statement, in writing, to any law judge, by some friend of the party, that a certain person placed in a hospital under the fifth section is losing his bodily health, and that consequently his welfare would be promoted by his discharge, or that his mental disorder has so far changed its character as to render his further confinement unnecessary, the judge shall make suitable inquiry into the merits of the case, and, according to its result, may or may not order the discharge of the person.—(*Act April 20, 1869, section 7, P. L. 79.*)

Discharge of prisoners on account of ill-health, &c.

SECTION 17. Whenever the Board of Public Charities shall be satisfied or have good reason to believe that any insane person in any county or district alms-house, or in the care of any per-

When and how Board of Public Charities may have insane removed to State hospitals.

son under the direction of the poor directors of any district, cannot there receive proper care and treatment, or is probably curable, said board, or their representatives in the proper county, shall make application to the president judge of the proper county, in term time, or at chambers, setting forth that such insane person cannot receive proper care and treatment, or is probably curable; and said judge shall, if the statements alleged are sustained by affidavit of petitioners, make decree that the officers in charge of such persons transfer him or her to one of the hospitals for the insane, receiving aid from the State, where such person shall be received and maintained in the manner provided by law, at the expense of the district from which such person is transferred; such expenses to be recovered by such district from such persons as may be liable by existing laws for the support of such insane person.—(*Act May 7, 1874, section 2, P. L. 119.*)

To be maintained at expense of districts from which transferred.

Insane convicted or acquitted of crime, may be removed to hospitals.

Application to be made to court or judge.

Commission to be appointed.

Their duties.

SECTION 18. Whenever any person is imprisoned within the Commonwealth, convicted of any crime whatsoever or charged with any crime and acquitted on the ground of insanity, application, in writing, may be made by the warden, superintendent, physician or any inspector of the penitentiary or prison in which such person is imprisoned, or by the general agent of the Board of Public Charities, to the court hereinafter named, or any law judge thereof, which application shall certify, under oath or affirmation, that such prisoner is believed to be insane, and shall request that such prisoner shall be removed to a hospital for the insane, whereupon it shall be lawful for any judge learned in the law of any court within this Commonwealth having immediate cognizance of the crime with which such prisoner is charged, or of the court by which such prisoner has been convicted, to appoint a commission of three citizens of this Commonwealth, of whom one shall be of the profession of medicine and one of the profession of law, whose duty it shall be to inquire into and report upon the mental condition of such prisoner, and if in a report signed by a majority or all of the mem-

bers of such commission it shall appear that the prisoner inquired of is of unsound mind and unfit for penal discipline, it shall be lawful for the judge issuing such commission, or for any other judge of the same court learned in the law, to make an order, under the seal of such court, directing the removal of such prisoner from the place of his or her imprisonment, and that he or she shall be received, maintained and cared for by the hospital for the insane nearest to such place of imprisonment, and which shall or may receive aid or support from the Treasury of the State, and that such patient shall be detained in such hospital until an order, as hereinafter provided, shall be granted by the said court, or any judge thereof learned in the law, for the return of such prisoner to the penitentiary or prison from which he or she was removed, or for his or her discharge from such hospital: *Provided always*, That whenever any hospital shall be established especially for the care of insane patients who shall have been convicted of crime, or whenever separate accommodations shall be made for such patients in any hospital aided from the Treasury of the State, the order, as aforesaid, for the removal of any such person from his or her place of imprisonment shall direct that he or she shall be received, maintained and cared for in such special hospital or in the separate accommodations of any hospital prepared for such purpose.—(*Act May 14, 1874, section 1, P. L. 160.*)

Order of removal
to be made.

SECTION 19. In all cases where any person who may have committed any criminal act, and is dangerous to the community, shall be found to be insane in the manner provided by law, and in all cases mentioned in the sixty-sixth, sixty-seventh and sixty-eighth sections of the act of thirty-first of March, one thousand eight hundred and sixty, relative to criminal procedure, it shall be lawful for any court having cognizance of the crime or offence with which such person is charged, to commit to either of the hospitals for the insane mentioned in the preceding section of this act, any such insane person for so long

Court may commit
to hospitals
all prisoners
found to be in-
sane.

time as such persons shall continue to be of unsound mind.—(*Act May 14, 1874, section 2, P. L. 161.*)

When and how prisoners to be remanded to prison or for trial.

SECTION 20. Whenever the superintendent or other proper medical authority of any hospital for the insane, to which any patient shall have been sent under the provisions of this act, shall, in writing, certify to the judge or court by whom the order for removal and detention has been made, that such patient has been so far restored to mental sanity as no longer to need the remedial or custodial care of such hospital, it shall be lawful for the said judge or court, if the term of imprisonment for which such prisoner was sentenced has not expired, to remand such prisoner to the place of imprisonment from which he or she was brought to such hospital, to serve out the unexpired term of sentence, or if such prisoner become unsound in mind after the alleged crime and before conviction, to remand such prisoner for trial; but if the term for which such prisoner was sentenced shall have expired, or if the crime wherewith such prisoner is charged shall have been committed during his or her probable insanity, and in all cases provided for in the second section of this act, it shall be lawful for the said judge or court to order the discharge of such patient from the said hospital.—(*Act May 14, 1874, section 3, P. L. 161.*)

When court may discharge.

When prisoners may be delivered to their relatives.

SECTION 21. Whenever the term of sentence of any prisoner sent to a hospital for the insane under the provisions of this act shall expire while such prisoner remains uncured and a patient of said hospital, it shall be lawful for the judge or court by whom the order of removal and detention has been made, upon the due application of relatives or friends of such patient, and upon proper surety being given for the custody and care of such patient, to make an order for the discharge of such patient from the said hospital, and his or her delivery to the guardianship and control of the person or persons applying therefor; and no person committed to a hospital under any of the provisions of this act shall be discharged therefrom, otherwise than in

the manner hereinbefore provided.—(*Act May 14, 1874, section 4, P. L. 161.*)

SECTION 22. The expenses incurred for the removal of any insane person from a place of imprisonment to any hospital, or for their removal from such hospital, in pursuance of the provisions of this act, and of his or her detention, maintenance and care in the said hospital, shall be chargeable to and paid by the commissioners of the county in which the alleged crime with which he or she was charged was committed; and the said commissioners shall have remedy over against the poor district, liable under existing laws, or against the estate and effects of every such prisoner, for the reimbursement of such expenses to the said county.—(*Act May 14, 1874, section 5, P. L. 162.*)

How expenses of removal, &c., are to be paid.

SECTION 23. All provisions of any act or acts of Assembly inconsistent with or supplied by the provisions of this act be and the same are hereby repealed.—(*Act May 14, 1874, section 6, P. L. 162.*)

Repeal.

LAWS RELATING TO THE STATE HOSPITALS FOR THE INSANE.

LAWS RELATING TO THE PENNSYLVANIA STATE LUNATIC HOSPITAL.

SECTION 24. The Governor shall nominate, and by and with the advice and consent of the Senate, appoint nine persons to be trustees of the said institution, who shall be a body politic and corporate, by the name and style of the “Trustees of the Pennsylvania State Lunatic Hospital and Union Asylum for the Insane,” and shall manage and direct the concerns of the institution, and make all necessary by-laws and regulations not inconsistent with the constitution and laws of the Commonwealth; and shall have power to receive, hold, dispose of, and convey all real and personal property conveyed to them by gift, devise or otherwise, for the use of the said institution, and shall serve without compensation; of those first appointed three shall serve for one year, three for two years, three for three years, and at the expiration of the respective periods

Trustees.

Incorporated.

Powers.

Vacancies.	the vacancies to be filled by appointment for three years; and should any vacancy occur by death, resignation or otherwise, of any trustee, such vacancy shall be filled by appointment for the unexpired time of such trustee. The said trustees shall have charge of the general interests of the institution; they shall appoint the super-
Superintendent.	intendent, who shall be a skillful physician, subject to removal or re-election no oftener than in periods of ten years, except by infidelity to the trust reposed in him or for incompetency—said physician shall always reside in the asylum, he shall be a married man, and his family shall reside with him; the trustees, by and with the consent of the Governor, shall make such by-laws and regulations for the government of the asylum as shall be necessary; they shall appoint a treasurer, who shall give bonds to the Commonwealth for the faithful discharge of his duties; they shall determine his compensation for services; also the salaries of the other officers and assistants, who may be necessary for the just and economical administration of the affairs of said hospital.—(<i>Act April 14, 1845, section 5, P. L. 441.</i>)
By-laws.	SECTION 25. The superintending physician shall appoint and exercise entire control over all subordinate officers and assistants in the institution, and shall have entire direction of the duties of the same.—(<i>Act April 14, 1845, section 6, P. L. 441.</i>)
Treasurer.	
Salaries.	SECTION 26 The said trustees and their successors in office, shall have power to take and hold in trust, for the use and benefit of said asylum, any grant or devise of land, and any donation or bequest of money, or other personal property to be applied to the maintenance of insane persons, in or to the general use of the asylum.—(<i>Act April 14, 1845, section 7, P. L. 441.</i>)
Powers of superintendent.	SECTION 27. The admission of insane patients from the several counties of the Commonwealth, shall be in the ratio of their insane population: <i>Provided</i> , That each county shall be entitled to send at least one insane patient.—(<i>Act April 14, 1845, section 8, P. L. 441.</i>)
Of donations.	
Admission of patients.	SECTION 28. Indigent persons and paupers shall be charged for medical attendance, board and
Charges.	

nursing, while residents in the hospital, no more than the actual cost;* paying patients, whose friends can pay their expenses, and who are not chargeable upon townships or counties, shall pay according to the terms directed by the trustees.—(*Act April 14, 1845, section 9, P. L. 442.*)

SECTION 29. The courts of this Commonwealth shall have power to commit to said asylum any person; who having been charged with an offence punishable by imprisonment or death, who shall have been found to have been insane, in the manner now provided by law, at the time the offence was committed, and who still continues insane; and the expenses of said persons, if in indigent circumstances, shall be paid by the county to which he or she may belong by residence.—(*Act April 14, 1845, section 10, P. L. 442.*)

Insane criminals
admissible.

SECTION 30. It shall be the duty of the court, in all cases where they shall commit any person to the asylum, to certify to the trustees the legal settlement of such person, if he or she have any legal settlement in this Commonwealth; and if such person shall have no such settlement, then to certify the place of residence of such person at the time of offence committed, on application made, and the poor district so certified to be the place of settlement or residence of such person, shall be chargeable with the expenses of his or her care and maintenance, and removal to and from said asylum: *Provided*, That the settlement or residence of any such person shall not be so certified, until after due notice shall have been given to the constituted authority having charge of poor in the district to be charged thereby.—(*Act April 14, 1845, section 11, P. L. 442.*)

Legal settle-
ment.

Proviso.

SECTION 31. In all cases where any court in this Commonwealth shall commit or have committed any person to the State Lunatic Hospital, under the provisions of the eleventh section of the act to which this is a supplement, (act April fourteenth, eighteen hundred and forty-five,) where such person has no legal settlement in any district or township in this Commonwealth, but only a residence therein, the county wherein he or

By whom ex-
pense of removal
and maintenance
of indigent in-
sane to be borne,
who have no le-
gal settlement.

*See section herein No. 45, page 18.

she is found or has been found a lunatic, shall be chargeable with the expense of his or her care and maintenance, and removal to and from said hospital, and the said court shall certify to the trustees of said hospital accordingly.—(*Act February 17, 1854, section 1, P. L. 85.*)

Insane paupers.

SECTION 32. The several constituted authorities having care and charge of the poor in the respective counties, districts and townships of this Commonwealth, shall have authority to send to the asylum such insane paupers under their charge as they may deem proper subjects; and they shall be severally chargeable with the expenses of the care, and maintenance, and removal to and from the asylum, of such paupers.—(*Act April 14, 1845, section 12, P. L. 442.*)

Charges, how collected.

SECTION 33. If the guardian, directors, or overseers of the poor, to whom any patient who shall be in the asylum is chargeable, shall neglect or refuse, upon demand made, to pay to the trustees the expenses of the care, maintenance and removal of such patient, and also, in the event of death, of the funeral expenses of such patient, the said trustees are hereby authorized and empowered to collect the same as debts of a like nature are now collected.—(*Act April 14, 1845, section 13, P. L. 442.*)

Power of courts to commit the insane thereto.

SECTION 34. If any person shall apply to any court of record within this Commonwealth, having jurisdiction of offences which are punishable by imprisonment for the term of ninety days or longer, for the commitment to said asylum (of) any insane person within the county in which such court has jurisdiction, it shall be the duty of the said court to inquire into the fact of insanity in the manner provided by law; and if such court shall be satisfied that such person is, by reason of insanity, unsafe to be at large, or is suffering any unnecessary duress or hardship, such court shall, on the application aforesaid, commit such insane person to said asylum.—(*Act April 14, 1845, section 14, P. L. 442.*)

Preferences.

SECTION 35. In order of admission, the indigent insane of this Commonwealth shall always have precedence of the rich; and while the finances of the State do not permit ample provi-

sions for all cases of insanity, recent cases shall have preference over those of long standing — (*Act April 14, 1845, section 15, P. L. 442.*)

SECTION 36. The name of the asylum, for the insane poor of this Commonwealth, as established by the act to which this is a supplement, be and the same is hereby changed to that of the "Pennsylvania State Lunatic Hospital."—(*Act April 11, 1848, section 1, P. L. 535.*) Name changed.

SECTION 37. The Governor, judges of the several courts of record in the Commonwealth, and the members of the Legislature, shall be ex-officio visitors of the institution.—(*Act April 14, 1845, section 16, P. L. 442.*) Visitors.

SECTION 38. Whenever, in the opinion of the inspectors of the Eastern Penitentiary, any of the prisoners therein confined, shall develop such marked insanity as to render their continued confinement in said Penitentiary improper, and their removal to the State Lunatic Hospital necessary to their restoration, it shall be the duty of the said inspectors to submit such cases to a board, composed of the district attorney of the county of Philadelphia, the principal physician of the Pennsylvania Hospital for the insane at Philadelphia, and the principal physician of the Friends' Insane Asylum, at Frankford, in Philadelphia county, and in case a majority of them cannot, at any time when required attend, a competent physician or physicians to be appointed by the Court of Quarter Sessions of the county of Philadelphia, in the place of such as cannot attend, upon whose certificate of insanity or the certificate of any two of them transmitted to the Governor, and if by him approved, he shall direct that said insane prisoners shall be, by said inspectors, removed to the State Lunatic Hospital, there to be received safely, kept, and properly provided for, at the cost and charge of the county from which they were sent to the Penitentiary, and if, at any time during the period for which any such insane prisoners shall have been sentenced to confinement in the Eastern Penitentiary, they shall, in the opinion of the trustees of said Lunatic Hospital, be so far re-

When prisoners in the Eastern penitentiary may be transferred to the hospital.

stored as to render their return to said Penitentiary safe and proper, then the said trustees shall cause the said prisoner to be returned to said Eastern Penitentiary, due notice (to) be given to the clerk of the Court of Quarter Sessions of the county from which such prisoners were sent to the Penitentiary, of all such removals or transfers. (See act May 14, 1874, *supra* 21 and 22.)— (*Act May 14, 1852, section 42, P. L. 551.*)

Courts to inquire into fact of insanity.

SECTION 39. When application shall be made under the fourteenth section of the act of the fourteenth of April, one thousand eight hundred and forty-five, to which this is supplementary, to any court of this Commonwealth, for the commitment of any person to the Pennsylvania State Lunatic Hospital, it shall be lawful for such court to either inquire into the fact of insanity, in a summary way, after giving the notice required by law to the alleged lunatic, and his or her friends or kindred, or by availing (awarding) an inquest at the option of the court; and in all cases it shall be lawful for the several courts of this Commonwealth to use their discretion in sending insane persons, who are unsafe to be at large, to said hospital, or cause them to be confined elsewhere, as the said courts shall believe the case to be curable or otherwise. (See act April 20, 1869, sections 6 and 9, *supra* 4 and 6)— (*Act April 8, 1861, section 1, P. L. 249.*)

Discretion as to unsafe persons.

Persons acquitted on the ground of insanity, relative to.

SECTION 40. No person shall hereafter be sent to the said lunatic hospital under the tenth section of the act of the fourteenth of April, one thousand eight hundred and forty-five, or any other law of this Commonwealth, who shall have been charged with homicide, or having endeavored or attempted to commit the same, or to commit any arson, rape, robbery, or burglary, and have been acquitted of any such offences on the ground of insanity, or been proceeded against under the fifty-ninth or sixtieth sections of the act of the thirteenth of June, one thousand eight hundred and thirty-six, relative to lunatics and habitual drunkards, where the court trying such person, or hearing the case, shall be satisfied that it is dangerous for said lunatic to be at

large on account of having committed, or attempted to commit either of the crimes aforesaid, but such persons shall be continued in the penitentiary of the proper district, or the prison of the proper county: *Provided*, That said court shall still have power to order any such person to be confined in the said lunatic hospital, if, on full examination, it shall be satisfied that there is reason to believe that a cure of the insanity may be speedily effected by sending him or her thereto. (See act May 14, 1874, *supra* 21, 22 and 23.)—*Act April 8, 1861, section 2, P. L. 249.*

SECTION 41. In every case where a lunatic has been, or shall be committed to said hospital, after an acquittal of any crime on the ground of insanity, or after an investigation in court, under the fifty-ninth and sixtieth sections of the act of the thirteenth of June, one thousand eight hundred and thirty six, or on account of it (having) been adjudged dangerous for such lunatic to be at large; and in all cases where any lunatic has been, or shall be removed thereto from either of the penitentiaries, or any prison of this Commonwealth, under the order of a judge, or of any court, it shall be lawful for the trustees of said hospital, with the aid of the superintending physician, to inquire carefully into the situation of such lunatic, and if a majority of the board, including the physician, shall be satisfied that there is no reasonable prospect of a cure of the insanity being effected by a retention of the lunatic in the hospital, they shall, at the expense of the proper city or county, cause him or her to be removed to the prison of the proper county, or the penitentiary from which he or she was sent. (See act May 14, 1874, *supra* 21, 22 and 23.)—*Act April 8, 1861, section 3, P. L. 249.*

SECTION 42. Whenever an indigent insane person shall hereafter be sent to said hospital, the city or county from which he or she was sent, shall be liable to the trustees of the hospital for his or her maintenance, and shall have remedy over against the proper township, where by existing laws the township is liable for the support of such pauper, and the overseers of the

Proviso.

Powers of the trustees and physician in certain cases.

Liability of city, county and township for indigent insane.

poor of the township shall have remedy over against the property of the pauper, or against any relative required by law to maintain him or her, to the extent of their liability under the poor laws.—(*Act April 8, 1861, section 4, P. L. 249.*)

Recovery of money due hospital, mode of proceeding.

SECTION 43. In all cases where money is now, or hereafter shall become due to said hospital from any township or county, on account of the maintenance of any person sent there by the proper legal authorities, and no suit is now pending for the recovery thereof, it shall be lawful for the treasurer of the hospital to cause a statement of the account, with notice of the amount claimed, to be served on the commissioners of the proper county, or the overseers of the poor of the township, and if the same is not paid within thirty days after such notice and demand, to place such claim in the hands of the Attorney General of the Commonwealth, whose official duty it shall be to cause suit to be brought therefor in the name of the corporation, in the court of common pleas of Dauphin county; and the whole proceeding for the recovery of such debt shall be conducted in the manner, and the action have like precedence as suits for claims due the Commonwealth.—(*Act April 8, 1861, section 5, P. L. 250.*)

Delivery of insane to friends or relatives.

SECTION 44. On the application of the friends or relatives of any insane person now, or who may hereafter be confined in said hospital, to the court of common pleas of Dauphin county, or to the president judge of said court in vacation, it shall be lawful for said court or judge, where the same may be done with safety to the community, to deliver over to such friends or relatives the person so confined; but before so delivering over such lunatic, said court or judge may require sufficient security to be given in the name of the Commonwealth, that such lunatic shall do no injury to the person or property of any one when at large, to continue during such term of time as the court or judge may direct.—(*Act April 8, 1861, section 6, P. L. 250.*)

Security to be given.

Charge per week changed.

SECTION 45. Said hospital shall hereafter be authorized to charge, not exceeding three dollars

per week, for the medical attendance and boarding of all indigent insane persons who are, or may be, committed to said institution; and that any part of any act of Assembly, inconsistent herewith, be and the same is hereby repealed.—(*Act April 11, 1867, section 48, P. L. 15.*)

LAWS RELATING TO THE WESTERN PENNSYLVANIA
HOSPITAL FOR THE INSANE.

SECTION 46. *Whereas*, Experience and the present general impressions seem to indicate, that it would be more expedient and conducive to humanity, and the benevolent objects in view, to keep separate and distinct, the insane patients from the other classes of the afflicted: *Be it therefore enacted*, That the board of managers of the Western Pennsylvania Hospital, if they shall hereafter deem it more expedient and humane, shall have power to make the separation, and erect distinct establishments for the said two classes of patients: *Provided*, That the same shall be approved and sanctioned by the contributors to the institution, at a general meeting to be convened at Pittsburg, upon a reasonable and public notice, to be given by the board of managers.—(*Act March 18, 1848, section 8, P. L. 220.*)

Power to erect
separate estab-
lishments.

Proviso.

SECTION 47. The Governor, judges of the several courts of record of the Commonwealth, and the members of the Legislature, shall be ex-officio visitors of the institution.—(*Act May 8, 1855, section 11, P. L. 513.*)

Visitors.

SECTION 48. The Governor of this Commonwealth shall have power to appoint, annually, three persons, citizens of Pennsylvania, to serve as managers, for one year, of the said Western Pennsylvania Hospital: And further, That the said board of managers shall make and return annually, in the month of January, to the Legislature of the State, a full and complete statement, certified by their president and treasurer, of the affairs and condition of the said hospital.—(*Act March 19, 1856, section 2, P. L. 135.*)

Governor to ap-
point managers.

SECTION 49. When there shall be reasonable cause to believe by the physician of the Wes-

Proceedings for
transfer of in-
sane convicts to
Western Penn-
sylvania Hospi-
tal.

tern State Penitentiary, that any convict confined therein is insane, he shall forthwith communicate the same to the proper warden and board of inspectors, whose duty it shall be forthwith to examine and inquire into the mental condition of such convict, and if thereupon the board of inspectors shall deem it proper and advisable, they shall direct the proper physician of the said Western Penitentiary, in which such convict is confined, to call to his aid the physician of the insane department of the Western Pennsylvania Hospital, and another competent person learned in medical jurisprudence; and if upon examination and consultation upon the mental condition of said convict, they or a majority of them shall be satisfied that he, the said convict, is insane, they shall certify and report in writing their opinion to the board of inspectors, and thereupon, if the said inspectors shall approve the report of the said physicians, they shall transmit the same to the Governor, and if by him also approved, he shall direct that said insane prisoner shall be by said inspectors removed to the State Lunatic Hospital, or to the Western Pennsylvania Hospital, there to be received, safely kept, and properly provided for at the cost and charge of the county from which he was sent to the penitentiary; and if at any time during the period for which any such insane prisoner shall have been sentenced to confinement in the said penitentiary, he shall in the opinion of the board of managers of the hospital to which he may have been removed, be so far restored as to render his return to said penitentiary safe and proper, then the said board of managers shall cause the said prisoner to be returned to said penitentiary; and due notice of all such removals or transfers shall be given by them to the clerk of the court of the proper county in which such prisoner was sentenced, and from which he was sent to the said penitentiary. (See act May 14, 1874, *supra* 21, 22 and 23.)—(Act March 24, 1858, section 1, P. L. 151.)

SECTION 50. If any person shall apply, by petition, to any court of record of any of the counties of this Commonwealth, hereinafter named, in the eighteenth section of this act, having jurisdiction of offences, punishable by imprisonment, for the term of ninety days, or longer, for the commitment, to the Western Pennsylvania Hospital, of any insane person, within the county in which said court has jurisdiction, it shall be the duty of such court to inquire into the fact of insanity, in a summary way, after giving notice to the alleged lunatic, or insane person, or to his, or her, friends, or kindred, or some of them, or by awarding an inquest for that purpose, at the option of the court; and if it shall appear, to the satisfaction of said court, or if it shall be found, by such inquest, that such person is lunatic, or insane, and by reasons of such insanity is unsafe to be at large, or that he, or she, is suffering any unnecessary duress, or hardship, such court shall either commit such lunatic, or insane person, to the said hospital, or if the court shall believe such insane person to be incurable, they may cause them to be confined elsewhere: *Provided*, That in all such cases, the court shall inquire, and ascertain, whether the estate of such insane person is sufficient to pay for the care, medical attendance, and maintenance of such person, such charges as the board of managers, of said hospital, may make, for pay patients, or whether the friends, or relatives, of such insane person are able, or willing, to make provisions for the payment thereof, and if not, then it shall be the duty of said court to declare such insane person to be in indigent circumstances; and said court shall thereupon certify, to the managers, or to the solicitor, of said hospital, the legal settlement of such insane person, if he, or she, have any legal settlement in this Commonwealth, and if he, or she, have no legal settlement, then to certify the place of residence of such insane person; which place shall then be held to be his, or her, place of settlement, and shall cause notice thereof to be given by the sheriff of the county, wherein such court is held, to the commissioners of the

Courts of certain counties to inquire into fact of insanity of petitioners for commitment.

Notice to be given, or inquest awarded.

Discretion of court as to commitment.

Court to ascertain whether such persons are able to pay hospital charges, and if not, to certify the fact to managers or solicitor.

Place of residence of indigent insane to be certified, and sheriff to notify county commissioners.

County liable
for all expenses.

county, to be charged with the expenses of such insane person, and to the constituted authorities having charge of the poor, in the poor district, in such county, to which such insane person belongs, as aforesaid; and the county, wherein such indigent insane person had his, or her, place of settlement, or residence, shall be liable to said hospital for the expenses of the care, medical attendance, and maintenance, and removal to, and from, said hospital, and in case of death, of the funeral expenses of such insane person, or persons, with remedy over against the proper poor district, as hereinafter provided. See act April 20, 1869, *supra* 4. (*Act April 22, 1863, section 1, P. L. 539.*)

Charge per week
for indigent in-
sane.

SECTION 51. Said hospital shall hereafter be authorized to charge, not exceeding three dollars per week, for the medical attendance and boarding of all indigent insane persons who are, or may be, committed to said institution; and that any part of any act of Assembly, inconsistent herewith, be and the same is hereby repealed.— (*Act April 11, 1867, section 47, P. L. 14.*)

Courts author-
ized to commit
to hospitals in-
sane criminals,
at the expense of
the respective
counties.

SECTION 52. Until the Legislature shall otherwise provide for the care of insane criminals, the several courts of this Commonwealth, having jurisdiction in the counties mentioned in the eighteenth section of this act, respectively, shall, where any person, charged with any offence, or crime, punishable by imprisonment, or death, may have been found, in the manner provided by law, to have been insane, at the time when the offence was committed, and who still continues to be insane, and in all cases mentioned in the sixty-sixth, sixty-seventh, and sixty-eighth sections of the act of thirty-first of March, one thousand eight hundred and sixty, relative to criminal procedure, have the power to commit, to said hospital, any such insane person, or persons, for so long a time as such person, or persons, continue to be of unsound mind, at the expense of the county where such trial, or proceedings, are had, and from which such insane person, or persons, was, or were, committed: *Provided*, That no person shall, hereafter,

Exceptions

be committed to said hospital, under the provisions of this section, or of the sixty-sixth, sixty-seventh, or sixty-eighth sections of said act of thirty-first of March, one thousand eight hundred sixty, or any other law of this Commonwealth, who shall have been charged with homicide, arson, rape, robbery, or burglary, or who shall have attempted or endeavored, to commit any of said offences, and who shall have been found to be insane, in the manner provided by law, unless on full examination, the jury shall find, by their verdict, that there is reason to believe that a cure of such insanity may be speedily effected, by sending such person to a lunatic hospital. See act May 14, 1874, *supra* 21, 22 and 23.—(*Act April 22, 1863, section 2, P. L. 540.*)

SECTION 53. The commissioners of the several counties, hereinafter named, shall have power, to send to said hospital, any indigent insane persons under their care, or confined in the jail of their respective counties, and not awaiting trial for any offence, or crime, punishable with imprisonment, or death, provided, the physician of the said hospital shall deem them proper subjects for treatment in said hospital; the county, on sending any insane person, or persons, to be liable to pay to said hospital, all expenses of the care, medical attendance, maintenance, removal to, and from, the hospital, and in case of death, the funeral expenses of such persons; and the several constituted authorities, having charge of the poor in the respective counties, cities, townships, and poor districts, in the counties hereinafter named, shall have like power to send to said hospital such indigent insane persons, under their charge, as they may deem proper subjects; and the counties, wherein such poor districts are situated, shall be severally liable to pay the expenses of the care, medical attendance, maintenance, (not exceeding two dollars and fifty cents per week,) removal to, and from, the hospital, and, in case of death, the funeral expenses of such paupers, with remedy over against the proper poor district, as hereinafter provided. See *supra* 51. (*Act April 22, 1863, section 3, P. L. 540.*)

County, city and township authorities may send to hospital indigent insane, under their care.

Liability for expenses.

Commitment of
inebriates, tem-
porarily insane,
relative to.

Security for ex-
penses to be
given.

Indemnity for
expenses of pro-
ceeding under
writ of *habeas*
corpus.

Criminals whose
insanity is con-
sidered incurable
by physician and
managers, to be
returned to the
prison or peni-
tentiary.

SECTION 54. It shall be lawful, in case any person shall apply to any court of record, within this Commonwealth, within any of the counties hereinafter named, having jurisdiction of offences, punishable by imprisonment, for a term of ninety days, or longer, or to a judge thereof, for the commitment to said hospital, of any person alleged to be temporarily insane, by reason of the intemperate use of intoxicating drinks, for such court, or a judge thereof, to inquire, summarily, into the facts of the case, first, however, giving notice to the party so alleged to be temporarily insane; and if such court, or a judge thereof, deem it expedient so to do, to commit such person to said hospital, until such temporary fit of insanity shall be cured: *Provided*, That such applicant or petitioner, or the friends, or relatives, of such inebriate, shall first give sufficient security, to be approved by such court, or judge, conditioned for the payment of all expenses of such proceedings, of the care, medical attendance, maintenance, removal to, and from, the hospital, and in case of death, of the funeral expenses of such inebriate; and further conditioned, to indemnify said hospital for all expenses, of any proceedings under any writ of *habeas corpus*, which may be awarded for the purpose of removing, or liberating, such inebriate from the custody of said hospital.—(*Act April 22, 1863, section 5, P. L. 541.*)

SECTION 55. In every case, where a lunatic, or insane person, has been, or shall be, committed to said hospital, under the provisions of the second section of this act, or of the sixty-sixth, sixty-seventh, or sixty-eight sections of the act of the thirty-first of March, one thousand eight hundred and sixty, referred to in said second section of this act, and in all cases, where an insane person has been, or shall be, removed, or sent to said hospital, from the Western State Penitentiary, or from any jail, or prison, in this Commonwealth, in the manner hereinbefore provided, or by virtue of any law of this Commonwealth, it shall be lawful for the managers of said hospital, or a quorum thereof, with the aid

of the principal physician of the insane department of said hospital, carefully to inquire into the case of such lunatic, and if a majority of such quorum of the board of managers, including the physician, shall be satisfied that there is no reasonable prospect of a cure of the insanity being effected, by a retention of such insane person in said hospital, they may, at the expense of the proper city, or county, as the case may be, cause him, or her, to be sent to the jail, or prison, of the proper county, or to the penitentiary, from which such insane person was sent. See act May 14, 1874, *supra* 21, 22 and 23.—(Act April 22, 1863, section 6, P. L. 541.)

SECTION 56. In case of any indigent insane person, not included in the provisions of the preceding section of this act, the expense of whose care and maintenance shall, by law, be chargeable to any county, city, or poor district, of this Commonwealth, and who shall be an inmate of said hospital, where a quorum of the board of managers of said hospital, including the physician of the insane department, shall be satisfied that there is no reasonable prospect of a cure being effected, by a retention of such insane person in said hospital, it shall be lawful for said hospital to return such insane person to the commissioners of the county, or to the constituted authorities, having charge of the poor in the city, township, or poor districts, which may be chargeable as aforesaid.—(Act April 22, 1863, section 7, P. L. 542.)

Indigent insane, regarded as incurable, to be returned to commissioners or other authorities.

SECTION 57. In case the principal physician of the insane department of said hospital, after careful examination of the case of any insane person, being an inmate of said hospital, shall be satisfied that such person is cured of his, or her, insanity, it shall be the duty of such physician, with the approval of the board of managers, in case such insane person has been committed to said hospital by any court of this Commonwealth, excepting in cases included in the provisions of the first and fifth sections of this act, to furnish a certificate thereof, with the original certificate of commitment, to the solicitor of

The solicitor to notify the sheriff of cases of criminals cured.

Duty of sheriff.

said hospital, whose duty it shall be to notify the sheriff, of the proper county, to remove the said inmate of said hospital, forthwith, at the expense of such county; and thereupon, such sheriff shall remove such person to the jail of the proper county, there to be held in strict custody, subject to the further order, decree, or sentence, of the court, by which such person was committed to said hospital; and in case such sheriff shall fail, or neglect, within thirty days after such notice, to return such person from the said hospital, the physician of said hospital may proceed to return such cured person to the jail of the proper county, at the expense of such county.—(*Act April 22, 1863, section 8, P. L. 542.*)

Failure to remove, relative to.

Physician to give notice to commissioners, &c., of indigent insane cured.

SECTION 58. In case the principal physician of the insane department of said hospital, after careful examination of the case of any insane person, who shall have been sent to the said hospital, under the provisions of the third section of this act, shall be satisfied that such person is cured of his, or her, insanity, it shall be the duty of said physician, by direction of the board of managers, to notify the commissioners of the proper county, which is chargeable with the expenses of the care and maintenance of such person, to remove such cured person from the hospital, and in case they fail so to do, within thirty days after such notice, the physician of said hospital shall proceed to send such cured person to the commissioners of said county, or to the jail, poor house, or other place, from whence they came, at the expense of such county.—(*Act April 22, 1863, section 9, P. L. 542.*)

Removal of.

Proceedings in case of application to court of Allegheny county for the discharge of inmates.

SECTION 59. On the petition of any of the friends, or relatives, of any insane person, who may now, or hereafter, be confined in said hospital, who may not have been removed to said hospital from the Western State penitentiary, or who may not have been committed to said hospital, under the provisions of the sixty-seventh section of the act of thirty-first March, one thousand eight hundred and sixty, relative to criminal procedure, to the court of common pleas of Alle-

gheny county, or to the president, or other law judge, of said court, in vacation, accompanied by the oath, or affirmation, of such applicant or applicants, that the insane person is, in their opinion, safe to be at large, it shall be lawful for said court, or a judge thereof, at their, or his, discretion, where the same may be done with safety to the community, to deliver over the person, so confined, to such friends, or relatives; but before ordering the delivery over, of such lunatic, said court, or judge, shall cause notice of such application to be served by the applicant, on the solicitor of said hospital, at least ten days before the hearing; and further, may require security to be given, in such sum as the court, or judge, may direct, in the name of the Commonwealth, that such lunatic, or insane person, shall be well cared for, and shall do no injury to the person, or property, of any one, when at large, and shall not become chargeable on any county, or poor district, of this Commonwealth, for, and during, such term of time as the court, or the judge, may direct.—(*Act April 22, 1863, section 10, P. L. 542.*)

Notice to be served on solicitor.

Security required

SECTION 60. Whenever any insane persons are committed to said hospital, under the provisions of the second section of this act, or of the sixty-sixth, sixty-seventh, or sixty-eighth, sections of the act of thirty-first March, one thousand eight hundred and sixty, hereinbefore referred to, it shall be the duty of the court to institute the inquiries required in the first section of this act, as to the pecuniary circumstances of such insane person, or persons, and their place of legal settlement, or residence, and to give the notices, therein provided for, to the commissioners of the county, and authorities having charge of the poor, in the poor district to which such insane person belongs, by settlement, or residence, and to certify the same to the managers, or solicitor, of said hospital, as therein provided for.—(*Act April 22, 1863, section 11, P. L. 543.*)

Inquiries of courts, &c., as required in the first section, to be made in cases of insane criminals, and certified to managers.

SECTION 61. Whenever any insane person is committed to said hospital, by any court, or transferred to said hospital from the Western

Liability of counties for all expenses.

State Penitentiary, or sent to said hospital by the commissioners of any county, or by the constituted authorities having charge of the poor, in any city, township; or poor district, in this Commonwealth, the county, where such insane person had a legal settlement, or residence, or from which, he or she was sent, or where the trial, or proceedings were had, under which, he or she was committed, or sent to said hospital, as the case may be, shall be liable to said hospital, for the expenses of his, or her, care, medical attendance, maintenance, removal to, and from, the hospital, and in case of death, for funeral expenses, as is hereinbefore, and by the laws of this Commonwealth, provided; but in all such cases, the county, so chargeable, shall have remedy over against the proper township, city, or poor district, where, by existing laws, such township, city, or poor district, is liable for the support of such insane persons, where paupers, or against the property of such insane person, or against any relative, required by law to maintain him, or her; and the overseers, or guardians, of the poor, of any such township, city, or poor district, shall also have remedy over against the property of such insane person, or against any relative required by law to support, or maintain, him, or her.—(*Act April 22, 1863, section 12, P. L. 543.*)

Counties to have remedy against the proper township, city or poor district, liable for the support of such as are paupers.

Overseers or guardians of poor may collect from property of insane, or relatives.

Mode of collection from counties, overseers or guardians of the poor.

SECTION 62. The said hospital may ask, demand, receive and collect, from any guardian, or overseer of the poor, or any city, township, or poor district, any amount which may be due to them, for the care, maintenance, medical attendance, or other expenses, of any insane persons, with which, such guardians, or overseers of the poor, may be chargeable, without impairing their right to collect any amount due and unpaid, from the county, or counties, liable to the said hospital therefore, as aforesaid; and in all cases, where money is now due, or shall hereafter become due, to said hospital, from any township, city, poor district, or county, for the care, medical attendance, maintenance, funeral, or other expenses, of any insane person, or per-

sons, committed, or sent, to said hospital, it shall be lawful for the solicitor of said hospital to cause a statement of the account with notice of the amount claimed to be due, and unpaid, to be served on one, or more, of the commissioners of the proper county, or of the overseers, or guardians, of the poor of the city, township, or poor district, chargeable therewith, and if the same be not paid within thirty days after such notice, and demand, it shall be lawful for the solicitor of said hospital to bring suit therefor, in the corporate name of said hospital, against any such county, city, or township, which may be indebted as aforesaid, in the court of common pleas of Allegheny county, or in the district court of said county, to collect the amount so claimed to be due, whenever (whether) such amount exceeds the sum of one hundred dollars, or otherwise; and such actions shall be entitled to like precedence as suits for claims due to the Commonwealth.—(*Act April 22, 1863, section 13, P. L. 544.*)

Solicitor may bring suit therefor.

SECTION 63. That in all cases, where an insane person is committed to said hospital, by any court authorized so to do, a certified copy of the commitment shall be furnished to the solicitor of the hospital, and also to the principal physician of the insane department, before, or at the time when, such insane person is sent to said hospital, which shall be evidence in any suit brought by the hospital to receive the amount due for the expenses of such insane person, and no defense shall be taken by any county, township, city, or poor district, in any suit brought against them to receive the amount of such expenses, on account of any defect, or informality, in such commitment, or the record thereof, nor by reason of the failure of the court making such commitment, to give the notices, or certificates, required by the first and eleventh sections of this act.—(*Act April 22, 1863, section 14, P. L. 544.*)

A certified copy of commitment to be furnished to solicitor and physician.

To be evidence in suit to recover expenses.

No defence to be taken account of informality.

SECTION 64. In all cases, where any county shall be liable, as aforesaid, to the said hospital, for any amount of the expenses of any insane persons, and the amount due to said hospital, by

Managers may return to jail those, whose expenses remain unpaid for three months.

such county, shall remain unpaid for three months after demand, and notice of the amount due, served with a statement of the account on the commissioners of such county, or a majority of them, it shall be lawful for the managers of said hospital to return, to the jail of said county, those insane persons, whose expenses are due, and remain unpaid by said county, excepting such as may have been removed to said hospital from the Western State Penitentiary, and said hospital shall also have the right to collect the amount due by said county, in the manner provided in the thirteenth section of this act —(*Act April 22, 1863, section 15, P. L. 544.*)

Exceptions.

Order of admission of patients.

SECTION 65. In order of admission of patients to the hospitals, recent cases shall have preference over those of long standing, and, as far as the capacity of the hospital will permit, the indigent insane shall have precedence of paying patients.—(*Act April 22, 1863, section 16, P. L. 545.*)

Counties from which insane persons may be committed or sent.

SECTION 66. The counties of this Commonwealth, from which insane persons may be committed, or sent, at the expense of such counties, to said hospital, are the following, to wit: Armstrong, Allegheny, Beaver, Butler, Cambria, Clarion, Clearfield, Crawford, Erie, Elk, Forest, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, M'Kean, Somerset, Venango, Washington, Warren and Westmoreland, and such counties as may be hereafter erected therefrom.—(*Act April 22, 1863, section 18, P. L. 545*)

Opening of streets or roads through grounds prohibited.

SECTION 67. The ground now owned, or which may be hereafter purchased by said hospital, shall not be subject to have any public street, lane, alley, or road laid out, or opened, through it, so long as the same shall be held, used and employed, for the purposes of said hospital; and any road, or right of way, heretofore existing, through any part of the property so owned, used and occupied by said hospital, which shall not have been laid out, by order of court, or by actual grant or conveyance, duly recorded, shall be and the same is hereby vacated.—(*Act April 22, 1863, section 19, P. L. 545.*)

Roads or rights of way, heretofore existing, vacated.

SECTION 68. The supplement to the act incorporating the Western Pennsylvania Hospital, approved on the eighth day of May, one thousand eight hundred and fifty-five, excepting the first and eleventh sections thereof, and the seventh section of the supplement to the several acts of Assembly, relative to the Pennsylvania State Lunatic Hospital, approved on the eighth day of April, one thousand eight hundred and sixty-one, and all acts, or parts of acts, inconsistent herewith, so far as they relate to the Western Pennsylvania Hospital, be and the same are hereby repealed.—(*Act April 22, 1863, section 20, P. L. 545.*)

Supplement of
1855 repealed.

Certain sections
excepted.

SECTION 69. The provisions of the third section of the act, to which this is a supplement, shall apply to the case of any person, confined in the common jail of any of the counties, mentioned in the eighteenth section of said act, by the sentence or order of any court of competent jurisdiction, in any such county, and who shall not be under sentence of death: *Provided*, That the principal physician, of the insane department of the Western Pennsylvania Hospital, shall deem such person to be insane, and a fit subject for treatment in said hospital, and that the order for the removal of such insane criminal shall be approved by the court, by which he or she was sentenced, or by one of the judges thereof.—(*Act April 18, 1864, section 1, P. L. 451.*)

Provisions rela-
tive to removal
of insane from
jails, to whom to
apply.

Proviso.

SECTION 70. When any insane person shall have been committed to said hospital, by any court have authority so to do, or has been removed thither from the Western State Penitentiary, under the provisions of act of Assembly of this Commonwealth, of twenty-fourth of March, one thousand eight hundred and fifty-eight, or from the common jail of any county in this Commonwealth, as provided by the first section of this act, and the term of sentence of such criminal shall expire while he or she is still an inmate of said hospital, the county, from which such insane criminal was committed to said penitentiary, jail, or hospital, shall be liable to pay for the medical attendance, maintenance, and cloth-

Counties liable
for all expenses,
in certain cases.

ing, of such insane person, for so long as he or she shall remain in said hospital; and in case of his or her death, or removal therefrom, the funeral expenses, or expenses of removal, as the case may be.—(*Act April 18, 1864, section 2, P. L. 451.*)

Cost of clothing,
relative to.

SECTION 71. In all cases in which, by the act to which this is a supplement, the amount to be charged by the Western Pennsylvania Hospital, for indigent insane persons, is fixed at two dollars and a half per week, the price so fixed shall not be construed to include the cost of clothing furnished by said hospital, to such insane patients, but the said hospital shall be entitled to receive, in addition to said charge, the cost of all clothing so furnished. See act April 11, 1867, section 47, *supra* 51.—(*Act April 18, 1864, section 3, P. L. 451.*)

Writs issued to be
directed to sher-
iffs of the respec-
tive counties.

SECTION 72. All writs issued by the court of common pleas, or district court of Allegheny county, in any suit brought against any county, city, or township, by the said hospital, shall be directed to the sheriff of the county, against which, such suit is instituted, or to which, such city or township belongs, and shall be served, or executed, by such sheriff, according to the exigency thereof; and such sheriff shall make return thereof, without delay, according to law, to the office of the prothonotary of the court, from which the same were issued.—(*Act April 18, 1864, section 4, P. L. 451.*)

Thirteenth sec-
tion amended.

SECTION 73. The thirteenth section of the act, to which this a supplement, is hereby amended, by substituting the word "whether," in lieu of the word "whenever," where it occurs after the word "due," in the latter part of said section.—(*Act April 18, 1864, section 5, P. L. 452.*)

Officers arresting
and having
charge of insane
or indigent per-
sons, to petition
court.

SECTION 74. When any insane or indigent person not cared for, nor claimed by the authorities of either or any poor district of Allegheny county, shall have been taken into custody by any officer authorized to make arrest, or if detained by any captain of the watch or other municipal authority, or by the warden or assistant warden of the county jail, or any officer having

charge of any police station or jail in this county, it shall be incumbent upon such officers so detaining such insane or indigent person to present a petition to the judges of the court of common pleas of Allegheny county within twenty-four hours after said person shall have been placed in his custody, accompanied by the evidence or affidavit of two reputable citizens, setting forth the conditions of such insane or indigent persons requesting the immediate action of said court.—(*Act April 8, 1872, section 1, P. L. 985.*)

SECTION 75. The said judges upon such showing shall, as their judgment may direct, order such insane or indigent person to be conveyed forthwith to either the Allegheny County Home, the Allegheny City poor house, the City Farm of the guardians of the poor of the city of Pittsburgh, or the Western Pennsylvania Hospital, at Dixmont, there to be properly cared for by the authorities of said institution or either or any of them.—(*Act April 8, 1872, section 2, P. L. 986.*)

Court to order such persons to be conveyed to Allegheny co. home, &c.

SECTION 76. The cost of maintaining such indigent or insane person shall be chargeable upon the poor authorities of the settlement last had by such insane or indigent person, if said settlement shall be discovered within sixty days after the order shall have been made, if not then to the district to which such indigent or insane person is ordered by said court: *Provided*, That this section shall not be so construed as to prevent said district from recovering said costs from the poor authorities of said settlement.—(*Act April 8, 1872, section 3, P. L. 986.*)

Cost of maintaining such persons.

LAWS RELATING TO THE STATE HOSPITAL FOR THE INSANE AT DANVILLE.

SECTION 77. The Governor shall nominate, and by and with the advice and consent of the Senate, appoint nine person to be trustees of the said institution, who shall be a body politic or corporate, by the name and style of the Trustees of the State Hospital for the Insane at Danville,

Trustees to be appointed.

To be a corporation.

Their duties and powers.

Pennsylvania, and shall manage and direct the concerns of the institution and make all necessary by-laws and regulations, not inconsistent with the Constitution and laws of the Commonwealth, and shall have power to receive, hold, dispose of and convey any real and personal property conveyed to them by gift, devise or otherwise, for the use of said institution, and shall serve without compensation; of those first appointed, three shall serve for one year, three for two years and three for three years, and at the expiration of the respective periods, the vacancies shall be filled by appointment for three years; and should any vacancy occur, by death or resignation, of any trustee, such vacancy shall be filled by appointment for the unexpired term of such trustee; the said trustees shall have charge of the general interests of the institution; they shall appoint the superintendent who shall be a skillful physician, familiar with the treatment of the insane, subject to removal or re-election no oftener than in periods of ten years, except by infidelity to the trust reposed in him or for incompetency; said physician shall always reside in the hospital, shall be a married man, and his family shall reside with him; the trustees shall also appoint a treasurer, who shall give bonds to the Commonwealth for the faithful discharge of his duties; they shall determine his compensation for services, also the salaries of the other officers and assistants who may be necessary for the just and economical administration of the affairs of said hospital.—(*Act March 27, 1873, section 1, P. L. 54.*)

Physician.

Treasurer.

Powers of superintending physician.

SECTION 78. The superintending physician shall appoint and exercise entire control over all subordinate officers and assistants in the institution, and shall have entire direction of the duties of the same.—(*Act March 27, 1873, section 2, P. L. 55.*)

Power to hold property.

SECTION 79. The said trustees, and their successors in office, shall have power to take and hold in trust, for the use and benefit of said hospital, any grant or devise of land, and any donation or bequest of money or other personal pro-

perty, to be applied to the maintenance of insane persons in or to the general use of the hospital.—
(*Act March 27, 1873, section 3, P. L. 55.*)

SECTION 80. The several sections of the act of Assembly, approved April fourteenth, one thousand eight hundred and forty-five, from section eight to section fifteen, inclusive, also the several sections of the act of Assembly, approved April eighth, one thousand eight hundred and sixty-one, from section one to section five, inclusive, are hereby extended and made applicable to the State Hospital for the insane at Danville.—
(*Act March 27, 1873, section 4, P. L. 55.*)

Certain provisions applicable to hospital.

SECTION 81. On the application of the friends or relatives of any insane person now or who may hereafter be confined in said hospital, to the court of common pleas of Montour county, or to the president judge of said court in vacation, it shall be lawful for said court or judge, where the same may be done with safety to the community, to deliver over to such friends or relatives the person so confined; but before so delivering over such insane person said court or judge may require sufficient security to be given, in the name of the Commonwealth, that such insane person shall do no injury to the person or property of any one when at large, to continue during such term of time as the court or judge may direct.—(*Act March 27, 1873, section 5, P. L. 55.*)

When insane persons are to be delivered to their relatives.

Security may be required.

SECTION 82. The several insane persons sent to the Pennsylvania State Lunatic Hospital at Harrisburg, by the order of the court of any county of the Northern district named in the act establishing the State Hospital for the Insane at Danville, may be removed to said hospital at Danville, by the authorities of the county from which they were sent to the hospital at Harrisburg, and the original order directing said commitment shall have the like force and effect as to their commitment and detention in the said hospital at Danville.—(*Act March 27, 1873, section 6, P. L. 55.*)

Certain of the insane in hospital at Harrisburg, may be removed to.

SECTION 83. The Northern district of this State, shall be composed of the counties of Monroe,

Counties of the northern district

Carbon, Pike, Wayne, Susquehanna, Wyoming, Luzerne, Columbia, Montour, Sullivan, Bradford, Lycoming, Tioga, Clinton, Centre, Clearfield, Elk, Cameron, M'Kean and Potter.—(*Act April 13, 1868, section 1, P. L. 90.*)

Admission of patients.

SECTION 84. The admission of insane patients from the several counties of the Commonwealth, shall be in the ratio of their insane population : *Provided*, That each county shall be entitled to send at least one insane patient.—(*Act April 4, 1845, section 8, P. L. 441.*)

Charges.

SECTION 85. Indigent persons and paupers shall be charged for medical attendance, board and nursing, while residents in the hospital, no more than the actual cost; paying patients, whose friends can pay their expenses, and who are not chargeable upon townships or counties, shall pay according to the terms directed by the trustees. See act April 11, 1867, *supra* 45, limiting charge to three dollars per week.—(*Act April 14, 1845, section 9, P. L. 442.*)

Insane criminals admissible.

SECTION 86. The courts of this Commonwealth shall have power to commit to said asylum any person, who having been charged with an offence punishable by imprisonment or death, who shall have been found to have been insane, in the manner now provided by law, at the time the offence was committed, and who still continues insane; and the expenses of said persons, if in indigent circumstances, shall be paid by the county to which he or she may belong by residence.—(*Act April 14, 1845, section 10 P. L. 442.*)

Legal settlement

SECTION 87 It shall be the duty of the court, in all cases where they shall commit any person to the asylum, to certify to the trustees the legal settlement of such person, if he or she have any legal settlement in this Commonwealth; and if such person shall have no such settlement, then to certify the place of residence of such person at the time of offence committed, on application made, and the poor district so certified to be the place of settlement or residence of such person, shall be chargeable with the expenses of his or her care and maintenance, and removal to and from said asylum : *Provided*, That the settle-

Provisc.

ment or residence of any such person shall not be so certified, until after due notice shall have been given to the constituted authority having charge of poor in the district to be charged thereby.—(*Act April 14, 1845, section 11, P. L. 442.*)

SECTION 88. The several constituted authorities having care and charge of the poor in the respective counties, districts and townships of this Commonwealth, shall have authority to send to the asylum such insane paupers under their charge as they may deem proper subjects; and they shall be severally chargeable with the expenses of the care, and maintenance, and removal to and from the asylum, of such paupers.—(*Act April 14, 1845, section 12, P. L. 442.*)

SECTION 89. If the guardian, directors, or overseers of the poor, to whom any patient who shall be in the asylum is chargeable, shall neglect or refuse, upon demand made, to pay to the trustees the expenses of the care, maintenance and removal of such patient, and also, in the event of death, of the funeral expenses of such patient, the said trustees are hereby authorized and empowered to collect the same as debts of a like nature are now collected.—(*Act April 14, 1845, section 13, P. L. 442.*)

SECTION 90. If any person shall apply to any court of record within this Commonwealth, having jurisdiction of offences which are punishable by imprisonment for the term of ninety days or longer, for the commitment to said asylum (of) any insane person within the county in which such court has jurisdiction, it shall be the duty of the said court to inquire into the fact of insanity in the manner provided by law; and if such court shall be satisfied that such person is, by reason of insanity, unsafe to be at large, or is suffering any unnecessary duress or hardship, such court shall, on the application aforesaid, commit such insane person to said asylum.—(*Act April 14, 1845, section 14, P. L. 442.*)

SECTION 91. In order of admission, the indigent insane of this Commonwealth shall always have precedence of the rich; and while the finances of

Insane paupers.

Charges, how collected.

Power of the courts to commit the insane thereto.

Preferences.

the State do not permit ample provisions for all cases of insanity, recent cases shall have preference over those of long standing.—(*Act April 14, 1845, section 15, P. L. 442.*)

Court to inquire into fact of insanity.

SECTION 92. When application shall be made under the fourteenth section of the act of the fourteenth of April, one thousand eight hundred and forty-five, to which this is supplementary, to any court of this Commonwealth, for the commitment of any person to the Pennsylvania State Lunatic Hospital, (State Hospital for the Insane at Danville,) it shall be lawful for such court to either inquire into the fact of insanity, in a summary way, after giving the notice required by law to the alleged lunatic, and his or her friends or kindred, or by availing (awarding) an inquest at the option of the court; and in all cases it shall be lawful for the several courts of this Commonwealth to use their discretion in sending insane persons, who are unsafe to be at large, to said hospital, or cause them to be confined elsewhere, as the said courts shall believe the case to be curable or otherwise.—(*Act April 8, 1861, section 1, P. L. 249.*)

Discretion as to unsafe persons.

Persons acquitted on the ground of insanity, relative to.

SECTION 93. No person shall hereafter be sent to the said lunatic hospital under the tenth section of the act of the fourteenth of April, one thousand eight hundred and forty-five, or any other law of this Commonwealth, who shall have been charged with homicide, or having endeavored or attempted to commit the same, or to commit any arson, rape, robbery, or burglary, and have been acquitted of any such offences on the ground of insanity, or been proceeded against under the fifty-ninth or sixtieth sections of the act of the thirteenth of June, one thousand eight hundred and thirty-six, relative to lunatics and habitual drunkards, where the court trying such person, or hearing the case, shall be satisfied that it is dangerous for said lunatic to be at large on account of having committed, or attempted to commit either of the crimes aforesaid, but such persons shall be continued in the penitentiary of the proper district, or the prison of the proper county: *Provided*, That said court shall still have power

Proviso.

to order any such person to be confined in the said lunatic hospital, if, on full examination, it shall be satisfied that there is reason to believe that a cure of the insanity may be speedily effected by sending him or her thereto. See act May 14, 1874, *supra* 21, 22 and 23.—(*Act April 8, 1861, section 2, P. L. 249.*)

SECTION 94. In every case where a lunatic has been, or shall be committed to said hospital, after an acquittal of any crime on the ground of insanity, or after an investigation in court, under the fifty-ninth and sixtieth sections of the act of the thirteenth of June, one thousand eight hundred and thirty-six, or on account of it (having) been adjudged dangerous for such lunatic to be at large; and in all cases where any lunatic has been, or shall be removed thereto from either of the penitentiaries, or any prison of this Commonwealth, under the order of a judge, or of any court, it shall be lawful for the trustees of said hospital, with the aid of the superintending physician, to inquire carefully into the situation of such lunatic, and if a majority of the board, including the physician, shall be satisfied that there is no reasonable prospect of a cure of the insanity being effected by a retention of the lunatic in the hospital, they shall, at the expense of the proper city or county, cause him or her to be removed to the prison of the proper county, or the penitentiary from which he or she was sent. See act May 14, 1874, *supra* 21, 22 and 23. (*Act April 8, 1861, section 3, P. L. 249.*)

Powers of the trustees and physician in certain cases.

SECTION 95. Whenever an indigent insane person shall hereafter be sent to said hospital, the city or county from which he or she was sent, shall be liable to the trustees of the hospital for his or her maintenance, and shall have remedy over against the proper township, where by existing laws the township is liable for the support of such pauper, and the overseers of the poor of the township shall have remedy over against the property of the pauper, or against any relative required by law to maintain him or her, to the extent of their liability under the poor laws.—(*Act April 8, 1861, section 4, P. L. 249.*)

Liability of city, county and township for indigent insane.

Recovery of money due hospital, mode of proceeding.

SECTION 96. In all cases where money is now, or hereafter shall become due to said hospital from any township or county, on account of the maintenance of any person sent there by the proper legal authorities, and no suit is now pending for the recovery thereof, it shall be lawful for the treasurer of the hospital to cause a statement of the account, with notice of the amount claimed, to be served on the commissioners of the proper county, or the overseers of the poor of the township, and if the same is not paid within thirty days after such notice and demand, to place such claim in the hands of the Attorney General of the Commonwealth, whose official duty it shall be to cause suit to be brought therefor in the name of the corporation, in the court of common pleas of Dauphin county; and the whole proceeding for the recovery of such debt shall be conducted in the manner, and the action have like precedence as suits for claims due the Commonwealth.—(*Act April 8, 1861, section 5, P. L. 250.*)

LAWS RELATING TO THE STATE HOSPITAL FOR THE INSANE AT WARREN.

Governor to appoint commissioners.

SECTION 97. The Governor shall appoint three commissioners to select a site and build a hospital for the insane of the North-western district of the State, composed of the counties of Erie, Crawford, Mercer, Venango, Warren, M'Kean, Elk, Forest, Cameron and Clarion; that said commissioners shall not receive any compensation for the services herein imposed upon them, except the actual traveling expenses incurred in the discharge of their duties; nor shall said commissioners be concerned, in any way, in any contract for the erection of said building or for furnishing supplies of any kind for the same.—(*Act August 14, 1873, section 1, P. L. 1874, 333.*)

Not to receive compensation or be interested in contracts.

To select and purchase farm.

SECTION 98. The said commissioners shall select and purchase, within ninety days of the date of their appointment, in the name of the Commonwealth, a farm or tract of land of not less than two hundred and fifty acres; the said farm or tract shall be good arable land with an adequate supply of pure water and large facilities

for drainage from the buildings; the property shall be within a convenient distance from some town and easy of access by railroad. The farm or tract so selected shall be approved by the Governor, in writing, before the purchase money shall be paid; but nothing herein contained shall prevent said commissioners from receiving a deed, in fee, for any lands donated for the purpose aforesaid.—(*Act August 14, 1873, section 2, P. L. 1874, 333.*)

SECTION 99. The said commissioners shall have power to select and appoint a gentleman of thorough medical education, familiar with the treatment of the insane, who together with themselves, shall prepare a plan of the proposed hospital, and superintend its erection; the said plan shall be drawn out in detail by a competent architect, employed by said commissioners, and the physician so appointed and selected by them, which said plan shall be in strict accordance with the propositions on construction of hospitals for the insane, adopted by the association of medical superintendents of American institutions for the insane, and be approved by the Governor, or such experts as he may select for deciding upon the propriety of the same; and no changes shall be made in said plan to materially affect its general character, without consent of the Governor and said experts in writing.—(*Act August 14, 1873, section 3, P. L. 1874, 333.*)

To select physician, prepare plan, and superintend erection.

SECTION 100. The commissioners shall fix the salary of the medical gentleman herein provided for as superintendent, during the time he is engaged in connection with themselves in directing and attending to the erection of the building, as also of the architect and all others whose services may be required in the proper construction of the same.—(*Act August 14, 1873, section 4, P. L. 1874, 333.*)

To fix salary of physician, architect, &c.

SECTION 101. To enable said commissioners to purchase the farm and make all necessary preparations for the building provided for herein, the sum of one hundred thousand dollars is hereby appointed.—(*Act August 14, 1873, section 5, P. L. 1874, 334.*)

Appropriation.

To erect building
as early as possi-
ble.

Report to board
of public chari-
ties.

SECTION 102. The said commissioners and physician shall proceed to erect said building and complete the same, at as early a period as possible, compatible with the perfection of skillful erection of the same, and make report to the Board of Public Charities of the amount of money expended by them, and progress made in the erection of the building.—(*Act August 14, 1873, section 6, P. L. 1874, 334.*)

INDEX.

GENERAL PROVISIONS.

	PAGE.
<i>Section 1.</i> On what evidence insane persons to be admitted to insane asylums	3
<i>Section 2.</i> Insane patients may communicate with counsel	3
<i>Section 3.</i> Habeas Corpus to be for such persons.....	3
<i>Section 4.</i> Proceedings for the commitment of insane persons by the courts	4
<i>Section 5.</i> Removal of insane persons committed by their friends,	4
<i>Section 6.</i> Courts may send insane persons suffering from want of care to an asylum.....	4
<i>Section 7.</i> Officers relieved from responsibility.....	4
<i>Section 8.</i> Existing rights not to be impaired.....	5

LAWS RELATING TO INSANE CRIMINALS.

<i>Section 9.</i> Jury to find the fact of insanity in criminal insane....	5
<i>Section 10.</i> Proceedings when defendant is found insane on arraignment.....	5
<i>Section 11.</i> Where prisoner brought up to be discharged appears to be insane	5
<i>Section 12.</i> Insane persons to be delivered to friends on giving bonds.....	6
<i>Section 13.</i> How expenses to be paid in such cases	6
<i>Section 14.</i> Prisoner acquitted on the grounds of insanity to be retained in custody.....	7
<i>Section 15.</i> When such person may be discharged.....	7
<i>Section 16.</i> Discharge on account of bodily disease.....	
<i>Section 17.</i> Board of Public Charities may have insane removed to State institutions in certain cases.....	7
<i>Section 18.</i> Insane convicted or acquitted of any crime may be removed to hospitals	8
<i>Section 19.</i> Courts may commit to hospitals all prisoners found to be insane	9
<i>Section 20.</i> When and how prisoners to be remanded to prison or for trial.....	10
<i>Section 21.</i> When prisoners to be delivered to their relatives	10
<i>Section 22.</i> How expenses of removal to be paid	11
<i>Section 23.</i> Repeal of all inconsistent acts.....	11

LAWS RELATING TO PENNSYLVANIA STATE LUNATIC HOSPITAL.

	PAGE.
<i>Section 24.</i> Trustees to be appointed, their powers and duties....	11
<i>Section 25.</i> Duties of superintending physicians	12
<i>Section 26.</i> Power to hold property	12
<i>Section 27.</i> Admission of patients regulated.....	12
<i>Section 28.</i> Rate of charge per week (See Sec. 45).....	12
<i>Section 29.</i> Courts may commit insane criminals.....	13
<i>Section 30.</i> Place of settlement to be certified	13
<i>Section 31.</i> By whom expenses of lunatic pauper to be borne who has no legal settlement.....	13
<i>Section 32.</i> Insane paupers may be sent to an asylum	14
<i>Section 33.</i> How expenses to be collected.....	14
<i>Section 34.</i> Courts to inquire into alleged insanity and commit to asylum.....	14
<i>Section 35.</i> Order of preference in admission	14
<i>Section 36.</i> Name of hospital changed.....	15
<i>Section 37.</i> Certain State officers to be ex-officio visitors.....	15
<i>Section 38.</i> Insane prisoners in Eastern penitentiary may be sent to asylum	15
<i>Section 39.</i> How fact of insanity to be determined by the courts..	16
<i>Section 40.</i> Persons acquitted of certain infamous crimes not to be sent to asylum, exception	16
<i>Section 41.</i> Incurables may be re-transferred to county prison or penitentiary.....	17
<i>Section 42.</i> Liability for support of indigent insane.....	17
<i>Section 43.</i> Proceedings for the recovery of claims	18
<i>Section 44.</i> When insane persons to be delivered to their relatives,	18
<i>Section 45.</i> Amount to be charged per week, changed.....	18

LAWS RELATING TO THE WESTERN PENNSYLVANIA HOSPITAL FOR
THE INSANE.

<i>Section 46.</i> Provision for the insane in the charter of the hospital,	19
<i>Section 47.</i> Certain State officers to be ex-officio visitors.....	19
<i>Section 48.</i> Governor to appoint three managers.....	19
<i>Section 49.</i> Transfer of insane criminals to hospital from Western penitentiary.....	19
<i>Section 50.</i> Courts may commit insane persons to the hospital ...	21
<i>Section 51.</i> Charge per week, regulated, of public patients.....	22
<i>Section 52.</i> Insane persons convicted of crime to be sent to hos- pital, exceptions.....	22
<i>Section 53.</i> Indigent insane may be sent by county commissioners,	23
<i>Section 54.</i> Provisions for the commitment of inebriates to the hos- pital	24
<i>Section 55.</i> Criminal incurable insane to be returned to county prisons or penitentiary.....	24

INDEX.

45

	PAGE.
<i>Section 56.</i> Incurable indigent insane to be returned to poor districts.....	25
<i>Section 57.</i> Insane criminals to be removed when cured.....	25
<i>Section 58.</i> Insane paupers to be removed when cured, by poor authorities.....	26
<i>Section 59.</i> Insane, when cured, may be discharged on application to court; security to be given	26
<i>Section 60.</i> Poor authorities to be responsible for insane committed by order of court; place of settlement to be certified.....	27
<i>Section 61.</i> Expenses to be paid by county from which insane persons committed	27
<i>Section 62.</i> How claims against city, county and poor districts recoverable.....	28
<i>Section 63.</i> Certified copy of commitment to be evidence	29
<i>Section 64.</i> Insane poor whose expenses are unpaid, to be returned to poor authorities.....	29
<i>Section 65.</i> Order of admission of patients.....	30
<i>Section 66.</i> Counties composing hospital district.....	30
<i>Section 67.</i> No public roads to be laid out through grounds of hospital	30
<i>Section 68.</i> Certain acts repealed.....	31
<i>Section 69.</i> Removal of insane prisoners from jails.....	31
<i>Section 70.</i> Liability of counties for expenses of insane criminals	31
<i>Section 71.</i> Cost of clothing.....	32
<i>Section 72.</i> Service of process.....	32
<i>Section 73.</i> Amendment to act of April twenty-two, eighteen hundred and sixty-three	32
<i>Section 74.</i> Officers arresting indigent and insane persons in Allegheny county to petition court	32
<i>Section 75.</i> Court to send such persons to hospital or county poor houses.....	33
<i>Section 76.</i> Cost of maintaining such persons.....	33

LAWS RELATING TO THE STATE HOSPITAL FOR THE INSANE AT DANVILLE.

<i>Section 77.</i> Appointment of trustees; their powers and duties...	33
<i>Section 78.</i> Powers of superintending physician.....	34
<i>Section 79.</i> Hospital may hold property.....	34
<i>Section 80.</i> Certain acts of Assembly applicable to hospital	35
<i>Section 81.</i> When insane persons to be delivered to their relatives	35
<i>Section 82.</i> Insane in hospital at Harrisburg to be removed to Danville	35
<i>Section 83.</i> Counties composing hospital district.....	35
<i>Section 84.</i> Admission of patients regulated.....	36
<i>Section 85.</i> Rate of charge per week.....	36

	PAGE.
<i>Section 86.</i> Courts may commit insane criminals.....	36
<i>Section 87.</i> Place of settlement to be certified; poor district to be chargeable with expenses.....	36
<i>Section 88.</i> Insane paupers may be sent to asylum.....	37
<i>Section 89.</i> How expenses to be collected.....	37
<i>Section 90.</i> Courts to inquire into cases of alleged insanity and commit to asylum.....	37
<i>Section 91.</i> Order of preference of admission.....	37
<i>Section 92.</i> How fact of insanity to be determined	38
<i>Section 93.</i> Persons acquitted of certain heinous crimes on the ground of insanity, not to be sent to the hospital; exceptions..	38
<i>Section 94.</i> Incurables may be transferred to county prison or penitentiary from hospital.....	39
<i>Section 95.</i> Liability for support of indigent insane of public authorities	39
<i>Section 96.</i> Proceedings for the recovery of claims.....	40
 LAWS RELATING TO THE HOSPITAL FOR THE INSANE AT WARREN.	
<i>Section 97.</i> Counties composing district of hospital.....	40
<i>Section 98.</i> Selection and purchase of a farm.....	40
<i>Section 99.</i> Physician to be selected and plan prepared.....	41
<i>Section 100.</i> Commissioners to fix salary of physicians and other officers.....	41
<i>Section 101.</i> Appropriation.....	41
<i>Section 102.</i> Duties of commissioners.....	42